

4-7-86
COMPANY/MINE North American Equities (Bkzn) NOV/CO # C 858-1-1
PERMIT # INA/007/021 VIOLATION # 1 of 1

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

A. HINDRANCE TO ENFORCEMENT (Answer for hindrance violations only such as violations concerning recordkeeping, monitoring, plans and certification).

1. Describe how violation of this regulation actually 1 OR potentially (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

Operator failed to abate NOV 85-8-3-1 Water monitoring data was not provided so that effects of mining on the drainage was not presented

B. DEGREE OF FAULT (Only one question applies to each violation. Check one and discuss.)

() No Negligence:

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

() Ordinary Negligence:

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

(☒) Recklessness:

If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

Operator received violation and failed to attempt to contact me on the NOV No action to abate the CO was conducted until April.

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() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

None

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

All required was sampling and sending results to the Division

3. Was the submission of plans prior to physical activity required by this NOV? Yes _____ No ✓ If Yes, explain.

DATE

5/17/85

Thomas W. Ward
AUTHORIZED REPRESENTATIVE